

EXHIBIT 7

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

| | | |
|---------------------------------|---|------------------------------------|
| KATHY CLARK, AMY ENDSLEY, SUSAN | § | |
| GRIMMETT, MARGUERIETTE | § | Civil Action No.: 1:12-cv-00174-SS |
| SCHMOLL, AND KEVIN ULRICH, ON | § | |
| BEHALF OF THEMSELVES AND ALL | § | |
| OTHERS SIMILARLY SITUATED, | § | |
| | § | |
| Plaintiffs, | § | |
| v. | § | |
| | § | |
| CENTENE COMPANY OF TEXAS, L.P., | § | |
| | § | |
| Defendant. | § | |

DECLARATION OF RICHARD J. (REX) BURCH

I, Richard J. (Rex) Burch, being duly sworn, declare as follows:

1. My name is Richard J. (Rex) Burch and the statements contained herein are based on my personal knowledge.

2. I am a member in good standing of the Texas State Bar and am currently the “managing shareholder” of Bruckner Burch PLLC in Houston, Texas. I formed the firm with William H. Bruckner in April 2000. All of our lawyers practice employment law almost exclusively. Bruckner Burch is Martindale-Hubbell AV rated, and *U.S. News & World Report* lists us as a “Top Tier” law firm for employment law.

3. For the past several years, the *Best Lawyers in America* publication has named me a leading practitioner in Labor & Employment law. I have also been listed as a “Super Lawyer” by *Texas Monthly* and *Texas Lawyer* magazines,” and a “Top Lawyer” in Labor & Employment Law by *H Texas* magazine.

4. Judge Castillo in the Northern District of Illinois noted Bruckner Burch consists of “highly experienced attorneys [that] have acted as class counsel in similar actions in federal and state courts.” *Schmidt v. Smith & Wollensky, LLC*, 268 F.R.D. 323, 328 (N.D. Ill. 2010). Other courts have commented favorably on my firm. *See Girault v. Supersol 661 Amsterdam, LLC*, 1:11 CIV 6835 PAE, 2012 WL 2458172, *2 (S.D.N.Y. June 28, 2012) (stating Bruckner Burch lawyers “are experienced and well-qualified employment lawyers and class action lawyers and have particular expertise in prosecuting and settling wage and hour class actions”); *Diaz v. Scores Holding Co., Inc.*, 07 CIV. 8718 THK, 2011 WL 6399468, at *5 (S.D.N.Y. July 11, 2011) (noting Bruckner Burch employs “experienced employment lawyers with good reputations among the employment law bar”).

5. I have spent the vast majority of my career litigating wage and hour cases, particularly those brought under the Fair Labor Standards Act (FLSA) and various state wage and hour laws. I have had the privilege of serving as lead counsel for workers in several important wage and hour cases. *See, e.g., Roussell v. Brinker Intern., Inc.*, Case No. 09-20561, 2011 WL 4067171 (5th Cir. Sept. 14, 2011) (affirming jury verdict in favor of class of waiters in FLSA tip credit case); *Belt v. EmCare, Inc.*, 444 F.3d 403 (5th Cir. 2006) (deciding, as a matter of first impression, that hourly paid Physician Assistants and Nurse Practitioners were entitled to overtime under the FLSA). My firm’s cases have resulted in tens of thousands of workers recovering more than \$100 million in unpaid wages and damages. I have also personally negotiated more than a dozen multi-million dollar settlements in the past 10 years.

6. In addition to litigating hundreds of wage and hour cases, I have:
 - a. Given dozens of speeches on the FLSA at CLEs, bar meetings, and the like;
 - b. Written extensively on the FLSA. *See, e.g., Parker v. ABC Debt Relief, Ltd. Co.*, 3:10-CV-1332-P, 2013 WL 371573 (N.D. Tex. Jan. 28, 2013) (citing Richard J. Burch, A Practitioner's Guide to Joint Employer Liability under the FLSA, 2 HOUS. BUS. &

TAX. L.J. 393 (2002); *Zavala v. Wal-Mart Stores, Inc.*, 393 F. Supp. 2d 295, 327 (D.N.J. 2005) (same);

- c. Written or assisted in writing several amicus briefs in FLSA cases. *Fast v. Applebee's Intern., Inc.*, 638 F.3d 872 (8th Cir. 2011) (co-author); *In re Novartis Wage and Hour Litigation*, 611 F.3d 141 (2d Cir. 2010) (co-author); *Cumbie v. Woody Woo, Inc.*, 596 F.3d 577 (9th Cir. 2010) (primary author); and
- d. Submitted comments specifically referenced and adopted by the United States Department of Labor in the new regulations dealing with the FLSA's "tip credit" provisions. *See* 76 FR 11832-01, 18840, 18843 (Apr. 5, 2011).

7. I served as lead counsel in the precedent setting civil rights case of *Spector v. Norwegian Cruise Lines, Ltd.*, 545 U.S. 119 (2005) (establishing that foreign-flagged vessels are subject to the ADA).

8. My regular local billing rate for Texas wage and hour class and collective cases is \$565 per hour. In my opinion, hourly rates of \$450 to \$600 are appropriate for partner/shareholder level lawyers, particularly those who have a national practice and are experienced in wage and hour class and collective action litigation. Similarly, hourly rates of \$250 to \$400 are appropriate for associate attorneys who are experienced in wage and hour class and collective action litigation. Certainly many of the lawyers who defend these cases charge similar, if not higher, rates.

9. Nearly 4 years ago, my reasonably hourly rate was determined to be \$565 in a contested fee motion, in an FLSA case. *See Davis v. Footbridge Eng'g Servs., LLC*, 2011 WL 3678928, at *3–4 (D. Mass. Aug. 22, 2011). I've been awarded fees at that rate on a number of occasions.

10. I know the Nichols Kaster lawyers involved in this case. I am also very familiar with the law firm as a whole. Nichols Kaster is a national law firm with an excellent reputation. Nichols Kaster has significant experience handling wage and hour class and collective actions around the country. I consider them to be one of the better wage and hour firms.

11. I have considered that the rates Nichols Kaster is seeking for its attorneys in this case. Based on my experience and knowledge of the market for wage and hour lawyers, I believe the hourly rates are reasonable given the skill, expertise, and reputations of these lawyers. The requested rates also line up with the rates awarded to attorneys with similar backgrounds and experience. In particular, my opinion is that \$425 per hour is reasonable for Rachhana T. Srey and \$525 per hour is reasonable, even cheap, for Paul J. Lukas. These two Nichols Kaster partners primarily litigated and tried this case are well known to me, and they are both fine lawyers. A rate of \$275 per hour for the primary associate attorney on the file, Alexander M. Baggio, is also reasonable. In addition, the hourly rate of \$150 is within the range of reasonableness for paralegal, law clerk, and class action clerk work in the Western District of Texas.

12. I have tried several collective actions in my career. In my experience, the amount of attorney's fees (which I understand to be less \$925,000) and costs (of approximately \$40,000) incurred in prosecuting this case are reasonable in light of the size of this case, the number of Plaintiffs, the length of the litigation, the various issues presented by the case, the motion practice, the deposition, document production, and other discovery conducted, and the excellent results achieved at the conclusion of a bench trial. Again, because I have tried several of these cases (including to the bench), I know the challenges faced in litigating wage and hour collective actions. These cases are difficult to manage and prosecute and demand an enormous commitment of time and resources in order to secure favorable results.

I declare, pursuant to 28 U.S.C. § 1746, and under penalty of perjury, that the forgoing is true and correct.

Dated: June 18, 2015

/s/ Richard J. (Rex) Burch

Richard J. (Rex) Burch